

Suggested headline: Mississippi must stand for job creation

If eminent domain legislation passed by the Legislature and sent to Governor Haley Barbour becomes law, we can wave goodbye to major economic development projects in Mississippi.

At best, HB 803 attempts to address a problem that doesn't exist in Mississippi, as cities and counties have had eminent domain authority for decades and never abused it in the name of economic development.

Occasionally, eminent domain is used for access roads, rail spurs, and other infrastructure to service employers. HB 803 is unclear whether eminent domain would be allowed to provide critical infrastructure to future projects if the infrastructure is determined to serve a "private purpose." As site selection processes for desirable projects are extremely competitive, this uncertainty will hurt Mississippi's chances of locating major projects in the future.

Throughout Mississippi, property ownership for both mineral and surface rights is commonly found to be undocumented, and eminent domain is the most efficient process of dealing with these circumstances. Eminent domain authority was critical in taking undocumented property for the Toyota project, and if this tool had not been available, Toyota would not have chosen to locate in Mississippi. The same is true for many other large employers that have recently located Mississippi operations.

In these tough economic times the last thing we need is to throw up a road block to job creation.

In Mississippi, a very thorough process established in the State Constitution has been in place for decades which, in the event of takings, requires the governmental entity to prove "public necessity." It requires local and state government approval, then requires the judiciary to determine the taking is for a valid "public use." This process has provided a healthy balance between private property rights and property takings for "public use."

Before the national recession began, Mississippi was gaining significant momentum and a great reputation in the business development marketplace. HB 803 is a big backwards step against job creation. While well-intended, this legislation is a wrongheaded approach, especially given the current economic situation, to an issue that has never been a problem in Mississippi.

Mississippi must stand for job creation.

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